

# Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet

## NRCS Conservation Programs (FY 2010)

A person or legal entity that exceeds the Adjusted Gross Income (AGI) requirements of the 2008 Farm Bill will not be eligible to receive payments in Farm Bill programs (AMA, AWEP, CBWI, CCPI, CIG, CSP, EQIP, GRP, FRPP, WHIP, and WRP)<sup>1</sup> unless waived by the Chief of the Natural Resources Conservation Service (NRCS) on a case-by-case basis. The determination for approval will be based upon whether the proposed application will protect environmentally sensitive **land** of special significance.

Applicants will need to prepare a written request for an AGI limitation waiver addressed to the Chief. (Note: Federally recognized Tribes are not subject to AGI limitations). The Designated Conservationist will submit the applicant's written request, along with this completed waiver request worksheet package, through appropriate channels to the State Conservationist (STC). State Conservationists will complete an initial review of the waiver request package to ensure that the request is of the highest quality and that the waiver request is justified.

For those requests that meet all the requirements listed in this worksheet, the STC will forward the complete waiver package through the Regional Conservationist to the Chief for approval. State Conservationists shall provide written notification to all applicants of the Chief's decision with appropriate appeal rights or acknowledgement of the waiver.

### Section 1: Application Program Information and Eligible Categories

(List only one program per waiver request):

Applicant's Name: \_\_\_\_\_ State: \_\_\_\_\_

Location (County): \_\_\_\_\_ Program \_\_\_\_\_ Application No. \_\_\_\_\_

Length of contract/easement \_\_\_\_\_ NRCS Contract Amount \$ \_\_\_\_\_

The waiver request must show that use of conservation program funding by an individual addresses at least one of the following categories.

- (1) Critical to the success of a project that benefits **multiple producers** in a community, watershed, or other geographic area that will protect environmentally sensitive **land** of special significance or
- (2) Enables USDA to achieve enduring conservation treatment through a long-term agreement that is greater than 15 years in duration or through a deed restriction on the environmentally sensitive land of special significance. (Note: Programs with agreements less than 15 years in duration will need to be in partnership with another type of agreement to meet this criterion).

### Section 2: National Priority or Emphasis

The conservation practice(s)/activity to be implemented on the applicant's land must benefit one or more of the national priorities or emphasis areas specific to the applicable program.

List the farm bill program the applicant intends to participate in and identify the national priorities or emphasis (program specific) that will be addressed (List all that applies):

Program	National Program Priority or Emphasis
<i>e.g. EQIP</i>	<i>Reduction of soil erosion, Promotion of at-risk species habitat conservation ,etc.</i>

### Section 3: Federal, Regional, Tribal or State Resource Management Plan or Report

The environmentally sensitive land of special significance is clearly identified in an approved Federal, regional, Tribal, or State environmental or natural resource plan or report. The planned conservation practice(s) or activity will protect or be an integral component in addressing the Federal, regional, Tribal, or State plan's objectives: (check all that apply):

- State Wildlife Action Plan, Plan/Report Title: \_\_\_\_\_
- State Water Quality Plan, Plan/Report Title: \_\_\_\_\_
- National Air Quality Plan, Plan/Report Title: \_\_\_\_\_
- U.S. Fish and Wildlife Recovery Plan Title: \_\_\_\_\_
- National Fish Habitat Action Plan Title: \_\_\_\_\_
- Nationally accepted Agricultural Water Enhancement Program (AWEP, CCPI or CIG) Project Name: \_\_\_\_\_
- Other Federal, regional, State or Tribal plan, or report, Plan/Report Title: \_\_\_\_\_

### Section 4: Critical Resource

Projects with conservation "activities" that when implemented, must directly impact one or more of the following critical resources: (check all that apply):

- Agricultural viability (Prime and Unique Farmland)
- Air Quality, nonattainment area
- Climate change and energy
- Coastal Resources (Coastal zones as identified per the Coastal Zone Management Act of 1972 that have a direct and significant impact on coastal waters, includes coral reef areas)  
Name of coastal resource \_\_\_\_\_
- Federal or State listed threatened, endangered, candidate species of concern, or at risk species.  
List species: \_\_\_\_\_
- Groundwater recharge or depletion area(s);  
Name of recharge or depletion area (s) \_\_\_\_\_
- Historical or cultural resource; List historical or cultural resource:  
\_\_\_\_\_

(Submit a letter from State or Tribal Historical Preservation Officer that supports the conservation practice(s)/activity on the subject land).

- Invasive Species (List): \_\_\_\_\_
- Pollinators (List): \_\_\_\_\_
- Water Quality (Describe): \_\_\_\_\_
- Wetlands (Describe): \_\_\_\_\_
- Other critical resource issues \_\_\_\_\_

## Section 5: Description/Overview

Describe the environmentally sensitive land and the conservation practices/activities to be applied. Include objectives and describe how the applicant's project/activity funded through the identified program is a critical and an integral component in addressing:

- National priorities identified in Section 2;
- Objective(s) of the Federal, regional, Tribal or State plan identified in Section 3; and
- The critical resource issue(s) identified in Section 4

In the description include the current resource baseline condition and the future condition. Include in the description the substantial positive and direct outcome (quantify as much as possible) expected from implementing the proposed contract.

*(Add additional page(s) as needed to clearly describe project and the potential outcomes)*

## Section 6: Package Submission Requirements

Include the following in the submission package: **(all items required)**

- Completed (AGI) Limitation Waiver Request Worksheet
- National, Regional, State, or Tribal Plan referenced in Section 3. (Provide copy of pertinent information from the plan and/or appropriate web link, if available.)
- Aerial photograph identifying the applicant's land to be enrolled in the USDA program and the environmentally sensitive **land** of special significance. A map or photograph should be included of the surrounding project area, if applicable. Identify on the photograph the planned conservation practices to be applied.
- Letter of support from Federal (other than NRCS)/Tribal/State Agency or regional commission with expertise regarding the critical resource (e.g. the project will benefit threatened and endangered species, a letter of support from US Fish and Wildlife Service and/or the State Fish and Wildlife Agency).
- Farm Bill Application Questionnaire/Checklist (only for AMA, AWEP, CBWI, EQIP, and WHIP, contract and appendix does not need to be signed).
- NRCS-CPA-1155 Conservation Plan or Schedule of Operations. (only for AMA, AWEP, CBWI, EQIP, and WHIP).
- Applicant's written request for the AGI waiver.

## Section 7: Certification

### State Conservationist

I have completed a review of this AGI waiver request package and find it to be complete and the requested contract will protect environmentally sensitive **land** of special significance. (If not supported, file for further reference).

Support                       Do Not Support, Reason: \_\_\_\_\_

State Conservationist/ Director: \_\_\_\_\_ Date: \_\_\_\_\_

### Deputy Chief for Programs:

Concur                       Do Not Concur, Reason: \_\_\_\_\_

Deputy Chief for Programs:: \_\_\_\_\_ Date: \_\_\_\_\_

### Regional Conservationist:

Concur                       Do Not Concur, Reason: \_\_\_\_\_

Regional Conservationist: \_\_\_\_\_ Date: \_\_\_\_\_

### Chief Approval

Approved                       Not Approved, Reason: \_\_\_\_\_

Chief: \_\_\_\_\_ Date: \_\_\_\_\_

Note: Waiver determinations for conservation programs will be based on the year for which the conservation program contract or agreement is approved and the determination will apply for the entire term of the subject agreement or contract.

#### 1/ Applicable Programs

AMA - Agricultural Management Assistance

CBWI - Chesapeake Bay Watershed Initiative

CCPI – Cooperative Conservation Partnership Initiative

CSP – Conservation Stewardship Program

FRPP – Farm and Ranch Lands Protection Program

WRP - Wetlands Reserve Program

AWEP - Agricultural Water Enhancement Program

CIG - Conservation Innovation Grants

EQIP – Environmental Quality Incentives Program

GRP – Grassland Reserve Program

WHIP – Wildlife Habitat Incentive Program